

Introduced by Senator Pavley

February 24, 2009

An act to add Chapter 5.3 (commencing with Section 19994.10) to Part 2.6 of Division 5 of Title 2 of the Government Code, relating to lactation accommodation, state employees.

LEGISLATIVE COUNSEL'S DIGEST

SB 257, as introduced, Pavley. lactation accommodation, state employees.

Existing law requires employers, including the state, to provide a reasonable amount of break time to employees desiring to express breast milk. Employers are also required to make reasonable efforts to provide the use of a room, or other location, other than a toilet stall, in close proximity to the employees' work area, for the employee to express milk in private.

This bill would require every state agency and department, including local offices, to notify each female employee nearing maternity leave, through its usual channels of communication with state employees, of the provisions described above relating to lactation accommodation and the Employees' Guide to Breastfeeding and Working prepared by the Health Resources and Services Administration of the United States Department of Health and Human Services, or a similar comprehensive publication. The bill would provide that referral of the employee to an Internet Web site where that information may be located shall satisfy these requirements.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature hereby finds and declares all of
2 the following:

3 (a) Scientific evidence shows that breast-feeding strengthens
4 an infant's immune system and protects infants' health in many
5 ways, by preventing disease and other adverse health conditions,
6 and is also beneficial to the mother's health.

7 (b) The United States Surgeon General, the United States
8 Preventive Services Task Force, the American Academy of
9 Pediatrics, and all other major health organizations, recommend
10 that, unless there are specific contraindications, babies be
11 exclusively breast-fed (meaning no food or drink other than breast
12 milk) for the first six months, with continued breast-feeding and
13 the addition of appropriate foods up to at least one year, as long
14 as it is mutually desired.

15 (c) Breast-fed babies are likely to have fewer ear, respiratory,
16 and intestinal infections; less frequent allergies and asthma; and
17 less risk of developing sudden infant death syndrome or chronic
18 diseases and conditions, such as diabetes, leukemia, obesity, and
19 high cholesterol.

20 (d) Exclusive breast-feeding for three months is estimated to
21 reduce health care costs for infants in the first year alone by up to
22 four hundred seventy-five dollars (\$475), compared to
23 nonbreast-fed infants. The United States Department of Agriculture
24 estimates that a minimum of three billion six hundred million
25 dollars (\$3,600,000,000) in medical expenses annually would be
26 saved if the number of children breast-fed for six months were to
27 increase by 50 percent.

28 (e) Breast-feeding is also linked to reducing the risk of obesity.
29 Childhood obesity is a major public health policy concern.
30 Approximately 28 percent of California schoolage children are
31 overweight or obese. Children who are overweight or obese are at
32 heightened risk of high blood pressure, high cholesterol, asthma,
33 and type 2 diabetes, among other serious physical problems. Type
34 2 diabetes is a particular concern, as it is now being found in
35 children at increasing rates. Being overweight or obese in childhood
36 also increases the risk of obesity in adolescence and adulthood.
37 Medical expenses attributable to obesity cost Californians seven
38 billion seven hundred million dollars (\$7,700,000,000) each year,

1 with one billion seven hundred million dollars (\$1,700,000,000)
2 paid by Medi-Cal.

3 (f) The California Obesity Prevention Plan highlights
4 breast-feeding as a key strategy. The federal government's Healthy
5 People 2010 goals seek to increase breast-feeding initiation (any
6 breast milk) to at least 75 percent of babies, with at least 40 percent
7 of babies exclusively breast-feeding at three months, at least 50
8 percent of babies having some breast milk at six months, and at
9 least 17 percent of babies exclusively breast-feeding at six months.

10 (g) Only 42.7 percent of mothers of newborns breast-feed
11 exclusively in California hospitals after giving birth according to
12 the most recent data available (2007) from the State Department
13 of Public Health. Less than 18 percent of California mothers
14 breast-feed exclusively when their infants are six months old,
15 according to the United States Centers for Disease Control and
16 Prevention.

17 (h) Women who breast-feed their babies for longer periods
18 accrue significant health benefits. Breast-feeding is linked to a
19 reduction in risk for breast and ovarian cancers, osteoporosis, and
20 type 2 diabetes. The practice has a contraceptive effect, which can
21 lengthen the time between pregnancies and help make the next
22 child healthier. Financially, breast-feeding means families save
23 on food costs and healthcare expenses. Working women who
24 breast-feed take fewer days off to care for a sick child and are less
25 likely to incur the expense of a caretaker.

26 (i) Since 2001, state law has required every employer, including
27 the state and any political subdivision, to provide a reasonable
28 amount of break time to accommodate an employee desiring to
29 express breast milk for her infant child, subject to the requirements
30 of Sections 1030 to 1033, inclusive, of the Labor Code.

31 (j) Better communication between the state as an employer and
32 its employees about the breast-feeding accommodation
33 requirements of Sections 1030 to 1033, inclusive, of the Labor
34 Code is necessary to help promote and support breast-feeding
35 among state employees, for the benefit of the state.

36 SEC. 2. Chapter 5.3 (commencing with Section 19994.10) is
37 added to Part 2.6 of Division 5 of Title 2 of the Government Code,
38 to read:

CHAPTER 5.3. LACTATION ACCOMMODATION

19994.10. (a) Through its usual channels of communication with state employees, every state agency and department, including local offices, shall notify each female employee nearing maternity leave of the following information:

(1) The provisions of Sections 1030 to 1033, inclusive, of the Labor Code.

(2) The Employees' Guide to Breastfeeding and Working published in 2008 by the Health Resources and Services Administration of the United States Department of Health and Human Services, or a similar comprehensive publication addressing the issue of employees breast-feeding at work that is prepared by the federal government, the State Department of Public Health, or a medical, other health, or breast-feeding support organization.

(b) Referral of the employee to an Internet Web site where the information described in subdivision (a) may be located shall satisfy the requirements of this section.